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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,943	04/21/2004	Fred D. Griss	GRISF122500	7168
26389	7590	07/22/2004	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			PARSLEY, DAVID J	
		ART UNIT	PAPER NUMBER	
		3643		

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/828,943	GRISS, FRED D.
	Examiner	Art Unit
	David J Parsley	3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 April 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-13 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 21 April 2004 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

Detailed Action

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it contains legal phraseology in particular the terms "said" and "means". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by GB Patent No.

2355636 to Hancock et al.

Referring to claim 1, Hancock et al. discloses a shaft – at either B or C, connected at one end to a hook – at A, a bead – at U, having an opening sized to receive the shaft and slide freely thereon – see for example figure 3ZT, a wire – the other of B or C, connected at a first end to the shaft between the hook and the bead – see for example figure 3ZT, the second end of the wire extending through the opening of the bead – at U – see for example figure 3ZT, a tube – at R,S, covering the shaft – at B or C, between the hook and the bead – at U, and the second end of the wire adapted to be wrapped around a bait positioned on the tube to hold the bait on the tube while fishing – see for example figure 3ZT and pages 3-10.

Claims 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,881,490 to Richardson.

Referring to claim 12, Richardson discloses a fishing lure with a surface – at 12, on which the bait may be mounted and a metal wire – at 34-38, connected at one end to the lure and its free end wrapped around the bait to hold it in place on the surface – see for example figure 1 and columns 2-3.

Referring to claim 13, Richardson discloses the metal wire is formed of a material and has a diameter such that when deformed it maintains its new shape so that when it is wrapped around the bait it holds the bait in place on the surface without its free end being anchored – see for example figure 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hancock et al. as applied to claim 1 above, and further in view of U.S. Patent No. 2,636,306 to Sokolik.

Referring to claim 2, Hancock et al. does not disclose the wire is metal and that the wire maintains a wrapped shape around the bait without the second end being anchored. Sokolik does disclose the wire – at 12-20, is metal and that the wire maintains a wrapped shape around the bait – at 40 without the second end being anchored – see for example figure 1 and column 2 lines 23-60. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hancock et al. and add the metal wire wrapped about the bait of Sokolik, so as to allow for the bait to be securely held to the hook.

Referring to claim 3, Hancock et al. as modified by Sokolik does not disclose the wire is floral wire having a diameter from 18 gauge to 32 gauge. However, it would have been obvious to one of ordinary skill in the art to take the device of Hancock et al. as modified by Sokolik and use 18 to 32 gauge wire, so as to allow for the device to be both flexible and durable.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hancock et al. as modified by Sokolik as applied to claim 2 above, and further in view of U.S. Patent No. 3,293,791 to Hinkson. Hancock et al. as modified by Sokolik does not disclose the core is coated in plastic. Hinkson does disclose the core – at 46, is coated in plastic – at 50. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hancock et al. as

modified by Sokolik and add the plastic coating of Hinkson, so as to allow for the core to be protected from outside elements and fish bites.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hancock et al. as applied to claim 1 above, and further in view of U.S. Patent No. 5,881,490 to Richardson.

Referring to claim 5, Hancock et al. does not disclose the shaft is formed of stainless steel. Richardson does disclose the shaft – at 12 is formed of stainless steel – see for example columns 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hancock et al. and add the stainless steel shaft of Richardson, so as to allow for the shaft to be less likely to erode in water.

Referring to claim 6, Hancock et al. as modified by Richardson does not disclose the shaft diameter is between 0.04 to 0.25 inches. However, it would have been obvious to one of ordinary skill in the art to take the device of Hancock et al. as modified by Richardson and add the shaft diameter of .04 to .25 inches in diameter, so as to allow for the lure to be both durable and lightweight.

Claims 7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hancock et al. as applied to claim 1 above, and further in view of U.S. Patent No. 3,795,074 to Mantel.

Referring to claim 7, Hancock et al. further discloses the tube – at R,S, is elastic – see for example figure 3ZT. Hancock et al. does not disclose the tube is elastic and sized to receive and hold the bead. Mantel does disclose the tube – at 42, is elastic and sized to receive and hold the bead – at 44 and/or 46 – see for example figure 1. Therefore it would have been obvious to one

of ordinary skill in the art to take the device of Hancock et al. and add the tube holding the bead of Mantel, so as to allow for the movement of the bead to be controlled.

Referring to claims 10-11, Hancock et al. does not disclose a rotating attracting means being a blade mounted on the shaft. Mantel does disclose a rotating blade – at 38, attached to the shaft – at 10 – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hancock et al. and add the blade of Mantel, so as to allow for the lure to be more attractive to fish.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hancock et al. as applied to claim 1 above, and further in view of U.S. Patent No. 3,372,508 to Maglinger. Hancock et al. does not disclose the wire is connected to the shaft by wrapping the first end of the wire around the shaft. Maglinger does disclose the first end of the wire – at 15, is wrapped about the shaft – at 16 – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hancock et al. and add the wire wrapped about the shaft of Maglinger, so as to securely hold the wire to the shaft.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hancock et al. as applied to claim 1 above, and further in view of Hinkson.

Referring to claim 9, Hancock et al. does not disclose the wire is wrapped around the bait in a spiral toward the hook to hold the bait on the tube. Hinkson does disclose the wire – at 46, is wrapped around the bait – at 40, in a spiral toward the hook- at 48, to hold the bait on the tube – at 50 – see for example figure 6. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hancock et al. and add the spiral wrapped wire of Hinkson, so as to allow for the bait to be securely held to the hook.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to bait holding fishing lures in general:

U.S. Pat. No. 339,952 to Wakeman – shows lure with bait holder

U.S. Pat. No. 1,353,779 to Moore – shows lure with bait holder

U.S. Pat. No. 1,682,710 to Pflueger – shows lure with spinning blade

U.S. Pat. No. 2,911,753 to Beckett – shows lure with bait holder

U.S. Pat. No. 3,217,443 to Goodman – shows lure with beads and spinning blade

U.S. Pat. No. 3,839,815 to Latham – shows lure with bait holder

U.S. Pat. No. 4,307,532 to Hughs – shows lure with bait holder

U.S. Pat. No. 5,333,407 to Merritt – shows lure with bait holder

U.S. Pat. No. 5,505,015 to Delricco – shows lure with bait holder

U.S. Pat. No. 5,548,920 to Peddycoart – shows lure with bait holder

U.S. Pat. No. 6,516,552 to Hawkins – shows lure with bait holder

CH Pat. No. 612576 – shows lure with bait holder

DE Pat. No. 10108148 – shows lure with bait holder

FR Pat. No. 2785145 – shows lure with bait holder

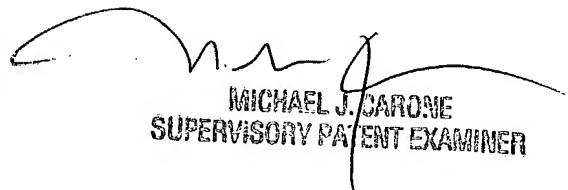
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J Parsley whose telephone number is (703) 306-0552. The examiner can normally be reached on 9hr compressed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DP

David Parsley
Patent Examiner
Art Unit 3643



MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER